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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,802	07/30/2001	Yokio Isobe	16869S-019500US	7357

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TOWNSEND AND TOWNSEND AND CREW, LLP
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EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/757,802

Applicant(s)

ISOBE ET AL.

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment of 10/4/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9, 13 and 24-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-9 and 13 is/are allowed.
- 6) ☒ Claim(s) 24-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/7/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Response to Arguments

1. Applicant's arguments with respect to new claims 24-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki Yuichi (JP 09-167447, dated 6/1997) in view of Fujinami et al. (US 6,363,212).

Regarding claim 24, Suzuki discloses and meets the limitations associated with a recording apparatus comprising:

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- management information generating means generating management information, generated prior or during recording used for reproduction operations (page 1, "UTOC, VMA, VD, VSB, MT, DRB, FEA);
- first read-write means for recording management and data content to the medium (page 2, step 91, from the disk (MD data), VD, VSB are read);
- second read/write means for storing first and second status information, first being associated with data content and another associated with management information (one status is see abstract code being one of {FDB being 0 or 0x42}, data content and
- page 9, "Conversely, more bits can be used when performing more various adjustment judge-ings such a the adjustment of not only the existence of abnormalities but file management information and the adjustment of the data in a file. The file name, which is furthermore going to add modification other than a malfunctioning detection sign in this case, can be recorded.", or a second or more statuses can be used;
- processing means for controlling to repair the data on the basis of first status information corresponding to that data; or
- repairing management information based on second (page 3, restore, pages 5-6, restoration means, pages 9-10 other restoration based on other bits or flag indicators, such as file management information).

Suzuki fails to disclose multiplexing video and audio data and recording.

Fujinami teaches in Fig. 1, multiplexing a video and audio signal and recording to a medium, as taught by Fujinami.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Suzuki by incorporating a multiplexer for multiplexing video and audio

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signals to create a single stream for recording, as taught by Fujinami, as it is deemed obvious to record video and audio in multiplexed form, as is notoriously well known to those skilled in the art, as taught by Fujinami.

Regarding claim 25, based on the combination renders obvious to have a file management processing means for recording groups of information (multiplexed data groups) from the multiplexer and information as group information in a data recording unit (met by Suzuki).

Also rendered obvious in view of Fujinami (Fig. 1, entry points appended to the header of the groups of data, such as video groups or frames, I, P and B frames), by generating entry point information for groups of video data and to combine the information for recording (Fig. 1, "header appendage unit 7").

Therefore, it would have been obvious to those skilled in the art at the time of the invention to record management information in groups, such data as entry point information used for playback of I pictures in trick modes of operation, being appended to headers representing groups of record information on the medium, as taught by Fujinami.

Regarding claims 26-27 based on the combination, provides for an ID of the files and data multiplexed, data is deemed cannot be reproduced or is determined to be non-reproducible based on status information (page 3, line 1, "a system error if subdirectory C is read") and checks (page 3, lines 1-) are made and are fixed in view of the status indication (page 4, triggers regeneration of data, when status is detected as being 0x42 and changes the status to 0 when fixed or recording was completed successfully) and further reads on generating a backup management information or a copy (see page 8, [0089]-[0094], see MIRROR mode), also the copy or mirror is associated with restoration [0091], meets the limitation of copy backup on the basis of the status, when fixed regenerate the status flags are updated, therefore, correspond to third and fourth statuses.

Claims 28-30 are analyzed and discussed with respect to the claims above, wherein claim 28 further wherein the apparatus goes into a standby state, is met by after regeneration is completed and the first and second statuses having been modified to GOOD status, such as Flag = 0, or third and forth statuses, the system goes into standby by being ready for recording or reproduction operations, after a regeneration is completed and

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further as claimed in claim 30, power supply of broken or goes down is based on the status flags, such as recording of data and a status for management data or another status or flag, is based on a power source off, (see [0013], [0021]).

Allowable Subject Matter

1. Claims 7-9, 13 are allowed.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Fax Information

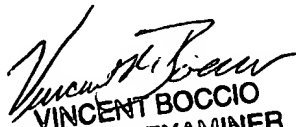
Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry, this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
12/23/06


VINCENT BOCCIO
PRIMARY EXAMINER

Appl. No. 09/757,802
Amdt. dated October 2, 2006
Reply to Office Action of June 1, 2006

PATENT

*Approved
Wey 11/25/06*

Amendments to the Drawings:

The attached sheets of drawings include both a replacement sheet and an annotated sheet showing changes to Fig. 17. The replacement sheet replaces the original sheet including Fig. 17.

Attachment: Replacement Sheet, Annotated Sheet showing changes